

EMERGENCIES IN THE WORKPLACE

— NATIONAL CONCRETE BURIAL VAULT ASSOCIATION —

EMERGENCIES IN THE WORKPLACE AND AN ACTIVE SHOOTER POLICY

How to prepare your business and protect your employees for a workplace disaster.

Written by [Poul Lemasters, NCBVA Legal Counsel](#) | September 2022

This article will walk you through:

- OSHA's Emergency Action Plan (EAP) Requirement
- OSHA's General Duty Clause

ALL DEATHCARE PROFESSIONALS ARE INVOLVED

In the world of deathcare, when we hear about tragedies where multiple lives are lost, we typically think of how deathcare professionals react to help those families affected. For all those tragedies, I applaud the deathcare profession. What you unselfishly provide in times of need for your communities is without question. From the funeral homes that provide services, the cemeteries that provide a place for memorialization, and the vault companies that provide services and vaults for memorialization, deathcare is always there to help.

I wish this article was simply about what we do to help others – but it is not. Unfortunately, there is no business immune to the potential risk of workplace tragedies, and sadly, to an active shooter. This article is not about helping others after a workplace emergency like an active shooter incident; it is an article about helping your business should it be involved in an active shooter incident.





CAN THIS REALLY HAPPEN?

Recently, the news has shared far too many mass shootings – everywhere from grocery stores, to schools, and even at a cemetery. This cemetery mass shooting shows that even the deathcare profession is susceptible to these tragic events. Now that we know our profession is at risk – what do you do? Enter the Active Shooter Policy.

WHAT IS MY BUSINESS REQUIRED TO DO?

As a business, you have a duty to provide a safe workplace as well as a response to potential dangers. In fact, OSHA has two ways to cover this obligation. The first is the requirement of an Emergency Action Plan (EAP), which provides instructions to your workforce on how to respond to an emergency. What type of emergency? Any and all emergencies that could potentially affect your business and employees is included. This means if you are on the coast, you may have instructions for flood; on the west coast maybe earthquake; the west, perhaps wildfire; the great plains, tornadoes; for me here in Ohio – all the above.



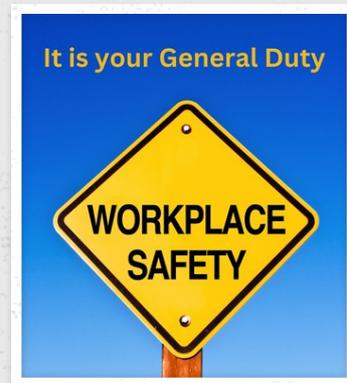
But seriously, your EAP should have a plan for any emergency that your business may encounter. **Are you wondering if the EAP is a written document? There is a requirement that all businesses shall have a written Emergency Action Plan (EAP) unless you have under ten employees, at which point you can verbally communicate your EAP.** (As the attorney, I would say put it in writing.)

In a typical EAP, there is a section on responding to a fire at the workplace, a natural disaster, a medical emergency, a hazardous material spill (if applicable), and then a workplace violence section. Many businesses will provide a detailed plan about active shooter response in the workplace violence section.

IS THERE MORE?

Ok, that was the first way OSHA requires you to provide a safe workplace in the threat of danger. What is number two? OSHA also has a general duty clause that allows OSHA to enforce all employers to provide a safe workplace, free from hazardous conditions or activities that could result in death or serious harm.

This covers anything not explicitly listed under OSHA and includes just about anything you do. The general duty clause is very broad and has actually been tested in litigation after the mass shooting in Las Vegas, where the hotel did not have an active shooter response policy. If you need a legal reason, OSHA has requirements for your business to have an active shooter response policy.



Another example, just to show the broadness of the general duty clause, is during the COVID pandemic. During COVID, OSHA was able to make requirements of businesses, including providing workers with face coverings, all under the general duty clause.

WHAT IS AN ACTIVE SHOOTER POLICY?

So what is an active shooter policy? In general, an active shooter policy is your plan, or guidance, on how to act before, during, and after an active shooter event. Your plan should be tailored to your business. As a cemetery, the potential dynamics of an active shooter range from the office to the grounds, and as such, your response will be different than a typical office. In creating your plan, consider the following elements to include.

GENERAL PURPOSE:

Clearly identify the purpose of your policy and to whom you are addressing. You can also include an overview of your policy and how you plan to implement it.



Consider the following policy example:

In today's world, it is important that we think and prepare for any incident that could arise. In case there is a reported threat of an active shooter to an employee, visitor, or in the general area, it is important to be prepared. This policy shall be used to direct employees, staff, and others on company property should an armed intruder enter and threaten and/or become violent with any employee or visitor. Our Company will work with local law enforcement agency(s) to assist in putting together a plan that is specific to our Company, and we will annually invite law enforcement into our location to become familiar with the layout of the building as well as our grounds. Threats of violence from persons outside our business can occur for a variety of reasons. Take ALL threats seriously!

PROCEDURE: RUN, HIDE, FIGHT

The second part should identify how to respond to an active shooter situation. Your policy may provide specific examples, such as domestic situation; disgruntled employee; or an

armed intruder. Whether you choose examples that may be specific to your business, you should specifically outline the process to reacting. Again, this may be different for your business, but consider the following steps.



1 - The first employee to identify an active shooter or threat of an active shooter should call the company emergency numbers. These numbers should include 911 plus any identified emergency numbers that are able to be called. Identifying a complete list of emergency contacts for your business is critical to a good policy. Your list should include 911, a direct local police line, the local fire department, local hospital, and even local FBI.

2 - Your business should have a code that can be announced, either through a paging system or internal communication system, to alert everyone of the situation. For example, "THREAT INSIDE (identify location); LOCKDOWN (identify area)" This type of code should be known by all employees as well as regular guests of your building/grounds so that if it is heard they know there is an incident in progress.

3 - RUN-HIDE-FIGHT. Most professionals recommend to adopt the run, hide, fight tactic as your policy. Translated to your policy it means:

- **RUN:** If a safe passage is available, leave the area immediately and go to a pre-designated location well away from the building. Assist any visitors, if needed. Dial 911 as soon as possible as well as any other known emergency numbers.
- **HIDE:** If you are unable to safely leave the building, or the grounds if you are outside, attempt to seek shelter in a nearby room or area that is capable of being locked from the inside. Assist others if possible. If the door does not have a lock, attempt to barricade the door with furniture, etc., and remain very quiet. Shut off TVs and radios and set cell phones on vibrate/mute. **TRY NOT TO** hide under a desk or anywhere else that may impede your ability to move about or escape, unless there is nowhere else to go. Hiding under desks has proven to be ineffective. Remain quiet and hidden until authorities give an "ALL CLEAR."
- **FIGHT:** If none of the above options are available to you, and you are directly faced with the shooter/intruder, as a last resort, **FIGHT BACK!** Chairs, coffee cups, staplers, cellphones, pictures, etc. can be used as weapons in an attempt to "take out" the shooter/intruder and defend yourself.

4 - Keep in mind that if your business is likely to encounter a situation off-site, this is still part of your workplace. Tailor your plan to include ways for your business to announce an active shooter, report it to the main office, and report it to others. Also, discuss the plan for how to respond if they are involved.

As much as possible, include detailed evacuation plans for various areas on the property. Identify assembly points where people can meet and safe places where hiding places could be best suited. If needed, include maps that clearly show various routes and the layout of the building and the grounds.



For businesses that regularly work off-site, it may be worthwhile to include maps of certain places that you visit on a regular basis. For other off-site places that you do not visit regularly, have a general evacuation plan. Make sure everyone knows what to look for as they visit an off-site location so that they can be prepared to evacuate. Make sure your business provides a safe gathering place in case of any evacuation, be it from your main location or any off-site location.

- **WHO** will communicate with police & media?
- **HOW** will you contact employees and their families?
- **WHAT** should employees know about what they can and cannot say?

POST INCIDENT RESPONSE:

In addition to everyone knowing the "ALL CLEAR" code to alert everyone it is safe to come out of any hiding or secure place and return, make sure you have a plan for interaction with people after the incident. This will include reporting the incident to police and law enforcement. It will also involve the process of how you contact your employees and potentially families of your employees. Again, a list of numbers should include your employees and their emergency contact. Lastly, have a point of contact who will be responsible for any media or outside communications. Make sure your employees know what they can, should, can't or shouldn't say after the incident.

TRAINING:

Of all the steps in your active shooter policy, make sure you provide training. Where does your training start? Share the policy with your employees. An active shooter is a terrifying thought, but a policy on how to react and respond to an active shooter should be a positive step. Do not be afraid to talk about the subject with your employees. Open communication with ongoing discussions on your policy will be one of the greatest steps in an effective policy.

Next, go through your policy. Provide situations and allow your employees to see your policy work as you physically walk through the steps. Invite others who can not only provide training on-site, but can also help identify how your plan works and how it may be tweaked to work better. Consider sharing your policy with local law enforcement so they know your plan and can walk your building and grounds to have an awareness in case there is an emergency.

Also, remember that for your business, you may likely be on the property of a cemetery. While you can only control what you do in an emergency situation, you can communicate your preparedness with others around you. Talk to local cemeteries about your Emergency Action Plan. See if they also have an EAP that includes an active shooter response. Because an event

could occur on their property while you are present, share your plans to make sure you are all on the same page. Talk to funeral homes as well. Chances are a funeral home may also be present at a graveside situation. Share your plan. Working together will provide a much better response should an incident ever occur.

While most of the training is on what to do – the reaction part of an active shooter – take time to also train on other areas of an active shooter response. Discuss what to share with emergency contacts when you make the call. Train your employees to notice a description of the shooter(s) and any other details:

- How many are present?
- Where are they located?
- Where are they heading?
- What type of weapons?
- How many people are in the building/grounds?
- Are there any victims?

Provide training on how to identify potential risk of an active shooter or on-site violence. This includes workplace violence and threats of violence. Lastly, consider offering first aid training to your employees so that they are able to not only help themselves, but also able to help others if the need arises.

REGISTER FOR THE Q&A CALL

Wednesday, October 19, at 2:00pm ET

WHAT NEXT?

You just read an article on all the basics. Chances are that you are already further along than you were just a little bit ago. Next step – start your own active shooter response policy. Hopefully this is an update and an addition to your Emergency Action Plan. Get your business involved. This means getting a group of folks to take ownership of this project and work on your policy. Once you get a plan in place, SHARE IT. Again, the best plan, even one written, is no good if it's not communicated and understood by others.

We live in a world where the threat of violence is constant and everywhere. No one wants to think something like this could happen where they work, but the news shows us that there are no boundaries. The only thing worse than the threat of an active shooter in your workplace, is knowing that you don't have a plan to even respond. Take the time, and put a plan in place. And if you need help – it's out there.

RECENT NEWS ARTICLES (JULY – SEPT)



Is nothing sacred? 3 hurt in drive...

abc7chicago.com

CHICAGO (WLS) -- There was no rest in peace on Chicago's South Side when gunfire erupted this weekend during a funeral. The latest attack has police now working to sort out a motive and possible suspects. Three men were wounded and are recovering after shots were fired outside Christian Tabernacle Church near 47th and Prairie, according to Chicago police.



Car bomb explodes at Washingt...

www.foxnews.com

Washington State police are searching for a suspect who allegedly placed an explosive in a funeral-goer's car, causing the vehicle to blow up. Authorities in Auburn, Washington, said a passenger in a dark sedan placed the bomb while the victim attended a funeral at Mountain View Cemetery on August 23.



Gunshots rang out near Norfolk f...

www.pilotonline.com

Gunfire rang out in the Berkley area of Norfolk Monday afternoon as a funeral procession was on its way to a cemetery. Norfolk police dispatch said there was a report of shots fired at 12:40 p.m. in the 100 block of W. Berkley Avenue, but no one was hurt.



UPDATE: Police release name of...

www.thestar.com

The York Regional Police Homicide Unit is seeking multiple suspects and witnesses following a double shooting at a cemetery in the Richmond Hill. On Thursday, Aug. 11, 2022, at approximately 3:35 p.m., police responded to reports of multiple shots fired at the Toronto Muslim Cemetery, located at 13076 Leslie St.



Police: People gathered at Water...

www.ctpost.com

WATERBURY - Police say an occupant of a car opened fire on people gathered for a vigil at a local cemetery Thursday evening. Police said no one reported being injured from the incident. Police said they did not know who the vigil was for or how many shots were fired.



Shots fired at cemetery during fu...

ottawa.ctvnews.ca

Ottawa police are investigating after someone was shot at the funeral for a homicide victim on Friday afternoon. The shooting happened at a cemetery on Manotick Station Road around 2:45 p.m. Police say they received multiple 911 calls reporting shots fired. The funeral for 24-year-old Abdulhamid Haji Ragab, who was gunned down on Banff Avenue in the city's south end on Tuesday, was happening at the time.



2 men shot and killed while ridin...

www.fox29.com

Authorities say two mourners were shot and killed while riding in a funeral procession for a Philadelphia homicide victim Friday afternoon. Officers from the Upper Darby Police Department were called to the area of Marshall Road and Powell Lane around 1 p.m. for reports of a shooting.

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WANT MORE?

CON CALL AND Q&A SESSION WITH OUR LEGAL COUNSEL

Want to ask a question related to **Emergencies in the Workplace and an Active Shooter Policy**? Join Poul Lemasters, NCBVA Legal Counsel, for a 30-minute NO-CHARGE Q&A session. Feel free to [submit a confidential question](#) in advance too, if you prefer.



Wednesday, October 19, at 2:00pm ET

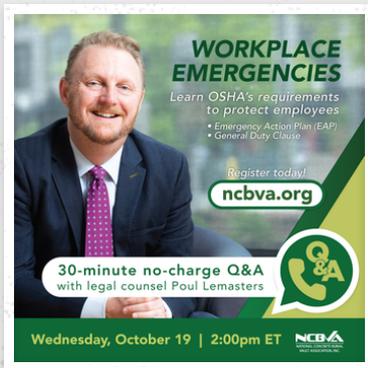
Mark your calendar & [register](#). There is no charge to attend, but registration is required.

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QUESTIONS OR COMMENTS

